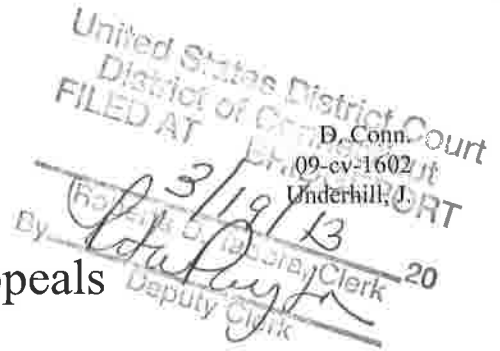


MANDATE

09 cv 1602 mandate



United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 7th day of February, two thousand thirteen.

Present:

John M. Walker, Jr.,
Robert A. Katzmman,
Gerard E. Lynch,
Circuit Judges.

Jorge Orlando Ardilla,

Petitioner-Appellant,

v.

12-3590

United States of America,

Respondent-Appellee.

Appellant, *pro se*, moves for a certificate of appealability and *in forma pauperis* status. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because Appellant has not made a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O’Hagan Wolfe
SAC/MM



Catherine O’Hagan Wolfe

MANDATE ISSUED ON 03/19/2013